

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATHEW MERCER,

Case Nos. 2:24-cv-11493
Hon. Mark A. Goldsmith

Plaintiff,

v.

CO HUDTARI, et al.,

Defendants.

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**ORDER TRANSFERRING CASE TO THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF MICHIGAN**

Plaintiff Mathew Mercer is a Michigan prisoner presently incarcerated at the Marquette Branch Prison, located in Marquette, Michigan. Mercier's pro se complaint, filed under 42 U.S.C. § 1983, names two corrections officers stationed at the Marquette Branch Prison as Defendants. The complaint asserts that Defendants harassed Mercer in various ways at the Marquette facility. Compl. at PageID.6–7 (Dkt. 1).

The determination of the proper venue for a civil action in federal court is generally governed by 28 U.S.C. § 1391. Relevant here, the statute provides that a civil action may be brought in (i) a judicial district in which any defendant resides; or (ii) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. 1391(b). If venue is improper in the district where a case is filed, but would be proper in another district, “a district court has the power to sua sponte transfer [the] case.” Cosmichrome, Inc. v. Spectra Chrome, LLC, 504 F. App'x 468, 472 (6th Cir. 2012).

The Defendants and events giving rise to the complaint are located in Marquette County. Marquette County is part of the Western District of Michigan. 28 U.S.C. § 102(b). Because there is no apparent basis for venue to lie in this district, but the facts alleged in the complaint suggest that venue would be proper in the Western District, the Court finds that the interests of justice would be served by transferring the case to the district where it should have been filed in the first instance. 28 U.S.C. § 1406(a).

Accordingly, it is ordered that the Clerk of the Court transfer this case to the United States District Court for the Western District of Michigan pursuant to 28 U.S.C. §1406(a). It is noted that this Court has not decided whether Plaintiff is entitled to proceed in forma pauperis, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).

SO ORDERED.

s/Mark A. Goldsmith
Hon. Mark A. Goldsmith
United States District Judge

Dated: June 20, 2024